

1 BILL NO. R-21-04-08

2 RESOLUTION NO. _____

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4 A RESOLUTION APPROVING THE
5 ACQUISITION OF LOTS 458-460, BELMONT
6 ADDITION TO FORT WAYNE, INDIANA, FOR
7 THE CITY OF FORT WAYNE, INDIANA – Board
8 of Public Works Resolution Number 108-1-26-
9 21-2.

10 WHEREAS, the City of Fort Wayne, by and through its Division of
11 City Utilities ("CU"), wishes to acquire certain parcels of real estate designated as
12 Lots 458, 459, and 460, Belmont Addition to the City of Fort Wayne, Indiana (the
13 "Real Estate"), for a storm drainage improvement project to address flooding issues
14 in the area of 5009 South Harrison Street in the City of Fort Wayne; and

15 WHEREAS, the City of Fort Wayne, through its Board of Public
16 Works, has approved the purchase of the Real Estate pursuant to Board of Public
17 Works Resolution Number 108-1-26-21-1; and

18 WHEREAS, the purchase price for the Real Estate is Two
19 Thousand Five Hundred Ninety Three and 23/100 Dollars (\$2,593.23) (the
20 "Purchase Price"); and

21 WHEREAS, Sec. 37.25 of the City of Fort Wayne Code of Ordinances
22 requires the Common Council's approval of any conveyance of real estate to the
23 City.

24 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON
25 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:
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SECTION 1. The acquisition of the Real Estate by CU, the City of Fort Wayne, by and through its CU, in the amount of the Purchase Price, and upon such other terms and conditions as CU shall determine, is hereby agreed to and approved. The appropriate officials of the City of Fort Wayne are hereby authorized to execute all documents necessary to effectuate said purchase.

SECTION 2. This Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

Interoffice Memo

Date: April 8, 2021
To: Common Council Members
From: Seth Weinglass, Program Manager – Capital Project Services – Telephone: 427-1330
RE: Acquisition of Lots 458-460, Belmont Addition to Fort Wayne, Indiana 46808

Council Introduction Date: April 13, 2021 - Council District #: 5

Background & supporting information:

City Utilities is planning a storm drainage improvement project to address flooding issues in the area of 5009 South Harrison Street. City Utilities would now like to acquire three vacant lots, designated lots 458, 459, and 460 in the Belmont Addition to the City of Fort Wayne, to install storm sewer infrastructure as part of the Harrison and Fairfax Area Stormwater Improvements project, City Utilities work order number 83676.

These three tax-delinquent properties were put up for auction by Allen County in 2019. The County tax assessor had valued each of these three lots at \$3,600.00 apiece, for a total assessed value of \$10,800. City Utilities' tax sale agent submitted the high bid for all three properties. At the auction, City Utilities' tax sale agent submitted the minimum allowable bid for each of the three parcels: \$864.40 for lots 458 and 460, and \$864.43 for lot 459. In each instance, this minimum bid amount was the sole and winning bid for each lot, resulting in \$2,593.23 bid for all three lots.

Then after the former owner allowed the 1-year redemption period to lapse, a tax deed was issued to the tax sale agent. City Utilities is now seeking to have the high bid ratified under City Ordinance 37.25, and for approval of a quitclaim of the tax deed to the City.

Implications of not being approved:

Any future acquisition of this property is likely to be at a higher price than the amount bid at this auction.

Justification if prior approval is being requested: Not applicable

Funding source: Water Revenue

Attachments:

- Map
- Resolution for purchase approved by Board of Public Works on January 26, 2021

CC: Matthew Wirtz
Diane Brown

Lots 458-460 Belmont Add



**A RESOLUTION OF THE CITY OF FORT WAYNE, INDIANA
BOARD OF PUBLIC WORKS
APPROVING THE ACQUISITION OF LOTS 458, 459, AND 460
IN BELMONT ADDITION TO THE CITY OF FORT WAYNE
FOR STORM DRAINAGE IMPROVEMENTS**

RESOLUTION NUMBER 108-1-26-21-2

WHEREAS, City Utilities for the City of Fort Wayne ("CU") wishes to acquire title to those certain parcels of real estate designated lots 458, 459, and 460 Belmont Addition to the City of Fort Wayne, the legal descriptions of which are set forth in Exhibit "1" attached hereto and incorporated herein by this reference (the "Real Estate"), being three (3) unimproved lots on the east side of South Harrison Street, for the purpose of constructing storm drainage improvements which will benefit the surrounding neighborhood and serve the best interests of the public health, safety, and welfare; and

WHEREAS, the Real Estate was made available for sale at public auction by Allen County at its annual tax sale in 2019, at which time the Allen County Tax Assessor valued each individual lot comprising the Real Estate at Three Thousand, Six Hundred Dollars (\$3,600.00), for a total assessed value of Ten Thousand, Eight Hundred Dollars (\$10,800) for the Real Estate;

WHEREAS, CU's designated agent at the tax sale (the "Tax Sale Agent") submitted the minimum allowable bids for each of the three (3) parcels comprising the Real Estate, to wit: Eight Hundred and Sixty Four Dollars and Forty Cents (\$864.40) for each of lots 458 and 460, and Eight Hundred and Sixty Four Dollars and Forty Three Cents (\$864.43) for lot 459. In each instance, this minimum bid amount was the sole and winning bid for each lot, resulting in Two Thousand Five Hundred Dollars and Ninety Three Cents (\$2,593.23) bid for the Real Estate.

WHEREAS, because the Real Estate was not redeemed by the former property owner during the statutory period of redemption, tax sale deeds for each of lots 458, 459, and 460, which comprise the Real Estate, were issued to the Tax Sale Agent, and were recorded, respectively, as document numbers 2020072719, 2020072720, and 202007272; and

WHEREAS, the Tax Sale Agent desires to transfer the Real Estate to CU by quitclaim deed pursuant to a previously established procedure.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF FORT WAYNE, INDIANA, BOARD OF PUBLIC WORKS AS FOLLOWS:

The tax sale purchase of the Real Estate for the total bid price of Two Thousand Five Hundred Dollars and Ninety Three Cents (\$2,593.23) is hereby ratified, and the transfer of the Real Estate to CU by quitclaim deed is hereby approved.

(Remainder of the page intentionally left blank—signature page to follow.)

APPROVED this 26th day of January, 2021.

BOARD OF PUBLIC WORKS

BY: [Signature]
Shan Gunawardena, Chair

BY: [Signature]
Kumar Menon, Member

BY: [Signature]
Chris Guerrero, Member

ATTEST: [Signature]
Michelle Fulk-Vondran, Clerk

Prepared by: Seth Weinglass, City of Fort Wayne, Program Manager, Capital Project Services

ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS
COUNTY OF ALLEN)

Before me, a Notary Public, in and for said County and State personally appeared Shan Gunawardena, Kumar Menon, and Guerrero, as Members of the Board of Public Works of the City of Fort Wayne, and Michelle Fulk-Vondran, Clerk of the Board of Works, and acknowledged the execution of the foregoing contract as and for their voluntary act and deed for the uses and purposes therein contained.

WITNESS my hand and notarial seal this 26th day of January, 2021.

My Commission Expires:



[Signature]
Notary Public

Resident of Allen County

Michelle R. Nelson
Printed Name of Notary

EXHIBIT 1

AFFECTED PROPERTY:

Legal Description: Lot 458 Belmont Addition
Address: 5009 S Harrison St, Fort Wayne, IN 46807
Last deed of record: Allen County Recorder's document number 2020072719
Tax parcel no.: 02-12-23-408-004.000-07

Legal Description: Lot 459 Belmont Addition
Address: 5009 S Harrison St (S of), Fort Wayne, IN 46807
Last deed of record: Allen County Recorder's document number 2020072720
Tax parcel no.: 02-12-23-408-005.000-074

Legal Description: Lot 460 Belmont Addition
Address: 5203 S Harrison St (N of), Fort Wayne, IN 46807
Last deed of record: Allen County Recorder's document number 2020072721
Tax parcel no.: 02-12-23-408-006.000-074

INTERESTS TO BE ACQUIRED: Fee simple in the entirety of all three parcels.